

**CITY OF CEDARBURG  
COMMON COUNCIL  
March 26, 2012**

**CC20120326-1**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, March 26, 2012 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Myers called the meeting to order at 7:00 p.m.

ROLL CALL: Present - Common Council: Mayor Gregory P. Myers, Council Members Chris Reimer, Ron Reimer, Art Filter, Paul Radtke, Michael Maher, Douglas Yip, Bob Loomis

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, Police Chief Tom Frank, City Clerk Constance McHugh, Fire Chief Rich Van Dinter, Mayoral Candidate Kip Kinzel, 7<sup>th</sup> District Council Member Candidate Michael O'Keefe, Festivals of Cedarburg, Inc. members Mark McGaver and BJ Homayouni, interested citizens and news media

**STATEMENT OF PUBLIC NOTICE**

At Mayor Myers' request, City Clerk McHugh verified that notice of this meeting was provided to the public by forwarding the agenda to the City's official newspaper, the *News Graphic*, to all news media and citizens who requested copies, and by posting in accordance with the Wisconsin Open Meetings Law. Citizens present were welcomed and encouraged to provide their input during the citizen comment portion of the meeting.

**APPROVAL OF MINUTES**

Motion made by Council Member Loomis, seconded by Council Member Yip, to approve the minutes of the February 27, 2012 meeting. Motion carried unanimously.

**2011 POLICE DEPARTMENT ANNUAL REPORT**

Police Chief Frank presented a summary report of the Police Department for 2011. He acknowledged the Police and Fire Commission and their contributions to the community. The following information was provided:

- There were 9 violent crimes in 2011, which consisted of 8 assaults and 1 sexual assault;
- Property crimes decreased from 163 in 2010 to 144 in 2011;
- The value of stolen property during the last two years has remained relatively the same; \$14,303 in stolen property was recovered;
- There were 12 felony arrests in 2011 and 63 misdemeanor arrests;
- There was a slight decrease in department activity, probably because the Department was down one officer during 2011;

- There were 300 non-traffic arrests, 1,842 traffic arrests, 426 non-traffic warnings; 2,388 traffic warnings; 209 speeding tickets, and 25 OWI tickets in 2011;
- There were 43 adult arrests for alcohol offenses, down from 77 in 2010, and 27 juvenile arrests for alcohol offenses, up from 20 in 2010
- There was a decrease in the number of tobacco violations from 20 to 7 and a decrease in the number of drug offenses from 28 to 23;
- The amount of worthless checks increased from \$4,789 in 2010 to \$5,632 in 2011, with \$2,136 recovered;
- There were 164 accidents in 2011, up from 152 in 2010. Three accidents were alcohol related;
- Community policing activities include door checks, vacation checks, vehicle lookouts, rescue squad calls, and fire calls;
- There were no personnel changes in 2011
- 710 hours of overtime were paid in 2011, compared to 500 hours in 2010, and 1,311 hours of comp-time were accumulated; compared to 1,244 in 2010;
- Employees logged 2,354 training hours in 2011;
- 80 assists were made to other departments in 2011, down from 170 in 2010;
- The City's requests to other departments was about 15;
- Equipment received in 2011 include records management software, new handguns, 3 patrol vehicles, and a portable alarm system paid for with a \$5,600 grant;
- A traffic safety grant in the amount of \$4,000 was received and a preliminary breath testing device grant in the amount of \$800 was received;
- A big achievement was the Law Enforcement Accreditation received in 2011. The Cedarburg Police Department is one of only 21 law enforcement agencies in the State with this accreditation.

Council Member C. Reimer said that technology was put in place a few years ago to better track 911 calls. He asked if it is working better than the previous technology.

Chief Frank said that the 911 technology gives a good point on a map for the Department to look for the caller. On occasion there are times when a call cannot be tracked down.

Council Member Filter said that about 10 years ago he called 911 from his cell phone at the Legion. He was surprised when the call went to the North Shore.

Chief Frank said that it may have been a fluke that the call hit a cell tower in Bayside or the surrounding area. He said that now all 911 cell calls in the County are routed to the Sheriff's Department.

Council Member R. Reimer said that a custodial position was cut from the Department a few years ago. He asked what the impact of this has been.

Chief Frank said the Department is making due. The City Hall custodian now works part-time at the Police Department. The Police Officers pitch in to wash cars and volunteers assist with landscaping work.

Council Member Filter asked if there are any plans to cut back if gas rises to \$5 per gallon.

Chief Frank said that he is exploring the possibility of installing natural gas supplies in the vehicles.

Council Member Loomis said that he would like to pass on comments he received from Layton Olsen of Piggly Wiggly, who spoke very highly of the Police Department and recent actions taken.

The Council thanked Chief Frank for his presentation.

**CONSIDER AWARD OF THE 2012 STREET AND UTILITY CONTRACT**

Motion made by Council Member Filter, seconded by Council Member R. Reimer, to award the 2012 Street and Utility contract to Heartland Construction, Inc. in the amount of \$1,298,552.

Director Wiza said the bid is approximately \$83,000 over the project budget, which includes funding from the Sanitary Sewer Reconstruction Fund, Storm Sewer Capital, Storm Sewer Repair and Maintenance, Street Capital, and Water Capital budgets. The City has a seven year capital program for repaving streets. There was a \$584,558 balance as of January 1, 2012. The amount to be funded from the property tax in 2012 is \$530,000. \$25,000 is to be funded from the Local Road Improvement Program (LRIP). This leaves a starting balance of \$1,139,558. The estimated cost for the street work was \$615,000; however, the bid amount came in at \$691,580.

Director Wiza said staff expected the project would come in over budget, in part due to the fact the storm sewer had to be routed down Elm Street and St. John Avenue and in part due to the very large size of the storm sewer.

Director Wiza said there should be a discussion at some point about increasing funding for road projects. About one-third of the City's streets are in good repair; however, about 33% of the City's streets are beyond maintenance and require full reconstruction. He estimated it would cost \$2,200,000 to fund street paving projects that are not currently included in the seven year plan. The City uses the PASER system to score and evaluate each of the 52 miles of City streets each year.

Council Member Loomis said it would be helpful at budget time if there is an analysis of the state of ongoing replacements and maintenance for each year.

Council Member Radtke asked if State aids could be reduced because of the low PASER scores.

Director Wiza said it is possible that if PASER scores are not above a certain level, funding will be reduced, although he is not aware of this happening.

Council Member Maher asked if there are other factors that go into determining whether a road should be repaved.

Director Wiza said that factors such as the number of watermain breaks on a street and the classification of the street can factor into the decision to repave or reconstruct a street.

Mayor Myers said that he thinks the City is doing a good job with maintaining roads. The fact is Wisconsin weathers are harmful to roads. He agreed that more money needs to be put into the paving program. This can be done by increasing the funding each year or possibly by borrowing money for major reconstruction projects.

With Council Member Maher, Yip, Loomis, C. Reimer, R. Reimer, Filter, and Radtke voting aye, the motion to award the 2012 Street and Utility contract carried unanimously on a roll call vote.

**CONSIDER AWARD OF CONTRACT FOR THE 2012 CONCRETE SIDEWALK REPAIR PROJECT**

Motion made by Council Member Filter, seconded by Council Member R. Reimer, to award the contract for the 2012 concrete sidewalk repair project to Venske Concrete in the amount of \$24,379.75. With Council Members Yip, Loomis, C. Reimer, R. Reimer, Filter, Radtke, and Maher voting aye, the motion carried unanimously on a roll call vote.

\$45,000 was budgeted for sidewalk repairs. The remainder of the funds will be used under the street and utility contract.

Council Member C. Reimer inquired about the possibility of not having the contractors stamp their name in the sidewalks.

Director Wiza said that this is part of the standard municipal specifications for sidewalk work and can identify the contractor if warranty work needs to be done. The Public Works Commission recommends continuing with this practice but staff can keep an eye on it to minimize it where possible.

**CONSIDER REQUEST TO FILL A VACANT POLICE OFFICER POSITION**

Chief Frank said that Officer Eric Linsmeyer resigned his position as patrol officer to take a position with the Brown County Sheriff's Department. He is requesting permission to hire a replacement. He said there are three applicants on the eligibility list and he would like to proceed with background checks.

Motion made by Council Member Radtke, seconded by Council Member R. Reimer, to authorize Chief Frank to hire a replacement officer after Officer Linsmeyer's resignation takes effect. Motion carried unanimously.

**CONSIDER REQUEST OF BLAKE ELMAZI TO AMEND THE PREMISE DESCRIPTION OF SAL'S PIZZA AT W63 N635 WASHINGTON AVENUE TO SELL/SERVE BEER OUTSIDE DURING STRAWBERRY AND WINE & HARVEST FESTIVALS**

Motion made by Council Member Maher, seconded by Council Member C. Reimer, to approve the request of Blake Elmazi to amend the premises description of Sal's Pizza at W63 N635 Washington Avenue to sell and serve beer outside during Strawberry and Wine & Harvest Festivals. Motion carried unanimously.

Council Member Radtke said that drinking has been brought up as an issue at the Festivals. He said Festivals has done a good job at curbing drinking at the Festivals. He said the Council needs to be aware that if this becomes problematic in the future it will need to be addressed.

**CONSIDER REQUEST FROM FESTIVALS OF CEDARBURG TO EXTEND THE FESTIVAL FOOTPRINT FROM MILL STREET SOUTH TO WESTERN AVENUE**

Motion made by Council Member Filter, seconded by Council Member Radtke, to grant the request of Festivals of Cedarburg, Inc. to expand the festival footprint from Mill Street south to Western Avenue.

Mark McGaver, President of Festivals of Cedarburg, Inc., said he has been approached by businesses in this area suggesting that the festivals footprint be extended to include them. He said Festivals has met with Chief Frank and Chief Van Dinter and both have indicated they support the request. He has also spoke to the business owners in this area, and most will participate if the request is approved.

Chief Van Dinter said the Fire Department has experimented with staffing and emergency routes over the years and determined it is best to staff Station 1 with volunteers using 12 hour shifts. Emergency vehicles will use Portland Road to Hilbert Avenue to Spring Street if necessary.

Director Wiza said the extension of the footprint does create some additional obstacles, but he is not suggesting the extension should not occur. North bound traffic on Washington Avenue coming into the City will be required to turn west onto Western Road and turn on to Wauwatosa Road, which runs into Washington Avenue on the north side. The challenge will be traffic coming in on Columbia Road. Traffic could be required to turn left onto Portland Road, right onto Hilbert Avenue and right onto Lincoln Blvd. to get to Washington Avenue. This may need to be rethought because of the 5K race in the morning. Another option would be to divert traffic on Columbia Road to Highland Road to Portland Road to Hilbert Avenue.

Mayor Myers said that he is confident the experts will be able to work out the traffic pattern.

Council Member Maher asked Mr. McGaver if Festivals has ever considered bus service from surrounding parking lots, similar to what Port Washington does on Fish Day.

Mr. McGaver said that this is something that could be considered.

Council Member Loomis commended the Fire Department for finding an alternate emergency route. He said if the Fire Department can get through, the request should be granted.

Motion to extend the festival footprint from Mill Street south to Western Avenue carried unanimously.

**CONSIDER DATES OF THE APRIL 2012 COMMON COUNCIL MEETINGS**

It was the consensus of the Council to meet on April 17, 2012 for the organizational meeting and to hold the regular meeting on April 30<sup>th</sup>. If there is no business for the April 9<sup>th</sup> meeting, it can be cancelled.

**PAYMENT OF BILLS**

Motion made by Council Member Filter, seconded by Council Member Maher, to approve the payment of the bills for the period 2/24/12 through 3/16/12, ACH transfers for the period 2/23/12 through 3/24/12, and payroll for the period 2/19/12 through 3/17/12. Motion carried unanimously.

Council Member C. Reimer asked City Administrator/Treasurer Mertes to look into whether telephones are necessary in certain City buildings, such as the Boy Scout House. He said that most people carry cell phones now.

**LICENSE APPLICATIONS**

Motion made by Council Member C. Reimer, seconded by Council Member Loomis, to approve new Operator's License applications for the period ending June 30, 2012 for Katherine D. Bennett, Ashly A. Donahue, Brian P. O'Keefe, Jerry E. Truchan. Motion carried unanimously.

**CITY ADMINISTRATOR'S REPORT**

City Administrator/Treasurer Mertes said the auditors have completed their work at City Hall. The final report will be prepared after the Light & Water audit is completed.

City Administrator/Treasurer Mertes said Attorney Vance has reviewed the ordinance regarding fire inspection fees. No change is necessary and only the buildings inspected will receive an invoice.

**COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Filter said that residents have been placing brush at the curb, which is not allowed. He said it should be placed on the parkway.

Council Member Maher reminded everyone that the Cedarburg Library will be celebrating its 100<sup>th</sup> Anniversary this year. The Friends of the Library are planning several events to celebrate. A major event will be held on April 21<sup>st</sup> and Council Member Maher encouraged elected officials to attend.

Council Member Maher asked that consideration of the Engberg Anderson and Beyer Construction contracts relating to the new library be placed on the agenda of the next Council meeting.

**MAYOR'S REPORT**

Mayor Myers issued the following proclamations:

- National Telecommunicators Week – April 8 – 14
- National Library Week – April 8 – 14

- National Volunteers Week – April 15 – 21
- Arbor Day – April 27

Mayor Myers said that Light & Water Commission Member Charles Bradburn fell and broke his hip. He is in rehab at New Castle now. Mayor Myers encouraged everyone to contact Mr. Bradburn to wish him well.

**ADJOURNMENT – CLOSED SESSION**

Motion made by Council Member Filter, seconded by Council Member Radtke, to adjourn to closed session at 8:22 p.m. pursuant to Wis. Statutes 19.85 (1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically, to discuss salary adjustments for the Police Chief and Police Captain. Approval of closed session minutes of February 13, 2012.

**RECONVENE TO OPEN SESSION**

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to reconvene to open session at 8:35 p.m. Motion carried unanimously.

**SALARY ADJUSTMENTS FOR THE POLICE CHIEF AND POLICE CAPTAIN**

Motion made by Council Member C. Reimer, seconded by Council Member Loomis, to approve salary increases of 2.5% for the Police Chief and Police Captain, effective January 1, 2012. These increases are in line with the increases received by other City Department Heads and Supervisors in 2012.

**ADJOURNMENT**

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to adjourn the meeting at 8:37 p.m. Motion carried unanimously.

Constance K. McHugh, MMC/WCPC  
City Clerk